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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,) Case No. 3:99-cr-0036-02 (HRH)
)
Plaintiff,) **STIPULATION REGARDING**
) **MODIFICATION OF SENTENCE**
v.)
)
GERSON NUNEZ,)
)
Defendant.)
)

IT IS HEREBY STIPULATED AND AGREED, by and between the parties,
that:

1. Defendant has submitted a request for modification of sentence pursuant to 18 U.S.C. § 3582(c)(2).

EXHIBIT 1

2. Defendant's original guideline calculation was as follows:

Total Offense Level 34

Criminal History Category I

151 to 188 months' imprisonment

3 to 5 years' supervised release

\$17,500 to \$4,000,000 fine.

3. Defendant was sentenced on April 6, 2000 to 151 months' imprisonment.

4. Defendant is eligible for a modification of sentence pursuant to 18 U.S.C. § 3582(c) and USSG § 1B1.10(c), Amendment 715 of the United States Sentencing Commission Guidelines Manual.

5. Defendant's revised guideline calculation is as follows:

Total Offense Level 32

Criminal History Category I

121 to 151 months' imprisonment

3 to 5 years' supervised release

\$17,500 to \$4,000,000 fine.

6. Based upon the foregoing, the parties hereby stipulate that a sentence of 121 months is appropriate in this matter.

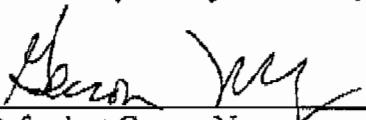
7. The parties further stipulate that the remainder of defendant's judgment shall remain unchanged. The original term of supervised release and the conditions imposed shall remain unchanged and will remain in effect.

8. Defendant has agreed to waive and does not request a hearing in this matter pursuant to Fed. R. Crim. P. 43, 18 U.S.C § 3582(c)(2); *United States v. Booker*, 543 U.S. 220 (2005) and *Kimbrough v. United States*, 128 S.Ct. 558 (2007). The defendant waives any right to be present in the District if the Court accepts this stipulation and enters an amended judgment pursuant to the terms of this stipulation.

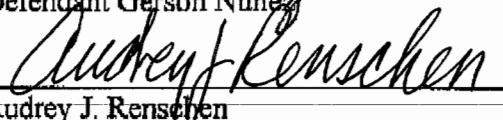
9. As consideration for the government's agreements contained in this stipulation, the defendant has waived any right to challenge the modified sentence through appeal or collateral attack.

10. Accordingly, the parties agree and stipulate that an amended judgment may be entered by the Court in accordance with this stipulation.

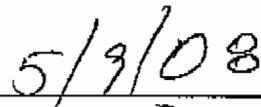
Respectfully submitted,



Defendant Gerson Nunez



Audrey J. Renschen
Assistant U.S. Attorney



Date



Date